

**Notice of Allowability**

Application No.

10/635,950

Examiner

Stephen J. Stein

Applicant(s)

HENZE ET AL.

Art Unit

1775

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Terminal Disclaimer filed November 15, 2005.
2. ☒ The allowed claim(s) is/are 1-3 and 5-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Stephen J. Stein  
Primary Examiner  
Art Unit: 1775

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-3 and 5-14 are allowed over the prior art of record.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are applicants' amendment to the claims filed August 3, 2005 which added the limitations that the "hydrophobic substance was distributed uniformly throughout the metal oxide network" and the limitation that the "hydrophobic substance comprised at least one pre-condensed fluoroalkylsilane" and the Terminal Disclaimer filed November 15, 2005 disclaiming the terminal portion of any patent issued on US Patent Application 10/806,761. Applicants' amendment overcame the both the Nakashani and Takahashi references because that the Takahashi reference fails to teach or suggest that the fluoroalkyl groups (hydrophobic groups) are distributed uniformly throughout the metal oxide network as claimed and because the reference specifically teaches a two layer system of a first base layer of a metal oxide and a second layer of hydrophobic alkylsilane. Consequently there is no "hydrophobic substance distributed uniformly throughout the metal oxide layer". Further, the Nakashani reference fails to teach that the fluoroalkylsilane is pre-condensed as in the amended claims and further and applicants' specification has evidence in table 1 that the coatings with the pre-condensed fluoroalkylsilanes are "different and unexpectedly better" in that the pre-condensed coating have a higher surface contact angle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1775

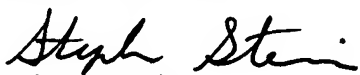
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 571-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 29, 2005

  
Stephen J. Stein  
Primary Examiner  
Art Unit 1775